

## **TESTIMONY ON HB 4525-4528**

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### **I. The Importance of Ensuring That Released Prisoners Have I.D.**

- As the director of the Reentry Law Project at Legal Aid of Western Michigan, I work with many clients who did not have state I.D. I see clients who have been without I.D. for a year or more. I see clients who want to work, but are turned down for jobs because they do not have I.D. I see clients who are living without heat in the winter because they cannot provide I.D. to get their utilities turned on.
- Prisoners who lack I.D. at the time of release often have great difficulty getting together the documents they need in order to get I.D. Many need to order their birth certificates. Few have alternative documents like passports or military I.D. cards. For some of my clients it is literally impossible to obtain the three separate pieces of documentation required to get a new I.D.
- Even with the assistance of an attorney, it often takes my clients several weeks or months to get I.D.
- The absence of I.D. makes it very hard for prisoners to transition successfully back into the community. Employers require I.D. to hire employees. Landlords require I.D. to rent to tenants. Utility companies require I.D. to provide service. And some social welfare programs require I.D. to provide benefits. Without I.D., released prisoners cannot successfully reintegrate into society.
- In addition, in light of new federal rules that require individuals applying for Medicaid to provide I.D., the lack of I.D. will make it very difficult for released individuals with disabilities to get needed medical care. 16% of returning prisoners suffer from a mental illness. Unfortunately, in some cases, mentally ill parolees who cannot get

their medications will engage in violent behavior that could have been controlled by medication.

- The absence of I.D. also poses a particular problem for individuals who are required to register as sex offenders. In order to register, a person must, by law, present a state I.D. For example, the parole office recently asked me to assist in getting a new parolee on the registry. Unfortunately, the police refused to register him until he had I.D., and it took several weeks to get the documents he needed. During that time, he was not on the registry. Moreover, because this parolee could not be registered at his family's address, the parole agent put him in transitional housing at taxpayer expense until the parolee could get his I.D.
- In sum, ensuring that parolees have I.D. is a public safety issue, both because easing the transition for parolees will reduce recidivism and because it is important for law enforcement purposes that parolees have I.D.

## **II. Pilot Projects**

- To their credit, both the Secretary of State and the Department of Corrections have sought to respond to community concern about the number of former prisoners who do not have identification. I'd specifically like to thank the Secretary of State for her staff's willingness to help specific individual clients of mine to obtain I.D. At the same time, I think everyone recognizes that there is a need for a more comprehensive, structural solution. In an effort to get more information, the Secretary of State and Department of Corrections conducted pilot projects in Kent County and Kalamazoo County.
- The results of the Kent County pilot, with which I am more familiar, showed that 9% of the parolee population did not have I.D. Michigan has approximately 17,000 parolees, which means that if Kent County is representative, then there are approximately 1,500 former prisoners in Michigan who do not have I.D. In addition, some 1,500 prisoners

are released each year without being placed on parole. Many of those individuals will have served very long sentences, and will therefore be among the most likely to have problems with I.D.

- The 9% figure probably understates the number of parolees who have difficulty obtaining I.D., since the pilot provided only a snapshot of parolees at a particular point in time. **The pilot did not look at how many parolees had problems obtaining I.D. when they were first released.** Every parolee who had difficulty getting I.D., but who had gotten I.D. by the time of the pilot, was counted as having I.D.
- Other data from Kent County suggests that the 9% figure may be too low. For example, Degage Ministries, one of the Grand Rapids social service agencies that provides I.D. assistance, has had 2,500 requests for assistance in obtaining I.D. over the last two years, of which 1/3, or approximately 415 per year, came from individuals who were recently released from correctional facilities. Yet the Kent County pilot showed only 116 parolees without I.D.
- While parole officers handling the pilot made estimates about the amount of time it takes to get I.D., **the pilot did not actually track how much time passed from when a prisoner was released until the prisoner obtained I.D.**
  - The pilot did show that only 13% of the parolees without I.D. in Kent County were new parolees. The remaining 87% had apparently been without I.D. for some time, though we do not know exactly how long. In other words, although the pilots provide useful data, we still do not know how long it takes from when the prisoner walks out the prison gate until the prisoner has I.D.
- **Even assuming that most parolees can eventually get I.D., this does not really solve the problem. The amount of time it takes to get I.D. is critical.**
  - **Research shows that the first days and weeks after release are crucial in terms of preventing former prisoners from returning to crime.** See Urban Institute, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry* (2001). That is

the time when parolees should be getting jobs, getting apartments, and getting settled, not the time when they should be getting I.D.

- In order to encourage parolees to turn their lives around, we want to make sure that they have I.D. as soon as possible after they leave prison. We want to make it possible for them to work, and to become productive, tax-paying citizens. We want to make sure that law enforcement has the tools it needs. Ensuring prisoners have I.D. is vital to successful reentry.

### **III. What Other States Are Doing**

- The lack of I.D. for returning prisoners is a national problem, and has been widely discussed by policy makers working on prisoner reentry.
- States are responding by passing legislation and adopting policies to make sure that every former prisoner has I.D.
- A national survey conducted in 2003 by the National Hire Network, a clearinghouse for information on the employment of people with criminal records, shows that many states use DOC documents to issue I.D.
- **Under the proposed legislation, Michigan would join twenty-two other states that accept DOC documentation as proof of identity.**
- Of the twenty-two states that accept DOC documentation, six accept it as primary proof of identification, and sixteen accept it as secondary proof of identification. In two states (Illinois and Montana) the Secretary of State is simply required to exchange a DOC-issued I.D. for state I.D.
- The bill proposed here is actually quite modest compared to the procedures in other states. Prisoners will still need to get two other documents, and DOC-issued I.D. will not necessarily count as primary proof of identification. It will still be hard for some released prisoners to get I.D. But it will be easier than it is now.

**Home -- Resources and Assistance**

# **Nationwide Survey of Identification Requirements for Newly Released Prisoners**

**National H.I.R.E. Network**

**September 2003**

## **I. BACKGROUND**

The lack of proper identification for individuals recently released from prison is a major barrier to successful community reintegration. Yet, in most states, when individuals are released from prison, they do not receive the appropriate identification documents to enable them to obtain a state-issued identification (ID) card. For the most part, if they are given any identification documents at all upon release, the documents are not recognized as proof of identification for purposes of obtaining proper state identification. Furthermore, a person's birth certificate and social security card are often lost during the process of traveling through the criminal justice system, leaving them with no form of identification upon release. Without proper identification, people with criminal records are often unable to find employment, secure housing, or apply for public benefits that may be necessary to obtain medication. If they are fortunate enough to find work, the lack of state ID can make it extremely difficult to cash paychecks or open a bank account.

Because research shows that the events that take place in the first few weeks after release are critical to successful re-entry and preventing recidivism, the National H.I.R.E. Network conducted a statewide survey to better understand what obstacles exist in each state for a newly-released inmate to obtain proper identification. Once we completed the survey, we categorized the states (see attached chart) and highlighted those with model practices and policies.

## **II. METHODOLOGY**

We informally surveyed the Department of Corrections (DOC) in each state as to what, if any, identification is given to inmates upon release. We compared their answer to the type of ID the state Department of Motor Vehicles (DMV) accepts as proof of identification to receive a state ID card. (DMV is used as the acronym for all states to represent the state agency responsible for issuing state ID cards and driver licenses.)

### **A. Department of Motor Vehicles Survey**

With the exception of Rhode Island and New Hampshire, in which information was obtained through a telephone conversation with a DMV representative, we obtained the requirements for proof of identity, date of birth, social security number and residency from state DMV websites. They are based on the requirements for a first-time applicant. (ID requirements for a replacement card are usually less stringent).

### **B. Department of Corrections Survey**

We acquired information from state DOC employees via telephone conversations and e-mail correspondence. We asked employees the following two questions: (1) What does the DOC issue to inmates for identification purposes upon release; and (2) Is the ID issued

an acceptable form of proof of identification to obtain a state ID card? Because issues are often handled differently in each county and by each institution, there was considerable variation in the answers given by different employees who work in the same department. For example, a DOC employee in Florida stated that the pre-release program had been suspended due to lack of funding and nothing is given to inmates as identification, while another representative claimed that the DOC-issued ID can be used as acceptable proof of identification at the DMV. Therefore, some of the information provided by DOC in this survey may not reflect actual practice in all parts of a particular state.

Ten states did not respond to the survey. They are: Alaska, Colorado, Delaware, New Hampshire, New Mexico, Oklahoma, South Carolina, Texas, West Virginia and Wyoming.

### **III. SUMMARY OF FINDINGS**

**For information on the specific requirements for obtaining ID in each state, please [click here](#)**

- Two states, Illinois and Montana, currently have laws requiring the DMV to exchange DOC issued ID for state issued ID.
- The DMV accepts some form of DOC documentation as proof of identity in 22 states (including the above mentioned).
  - Of those 22 states, 6 states accept DOC documentation as primary proof of identification and 16 states accept DOC documentation as a secondary form of identification.
- Three states, California, Minnesota and Oregon, have created innovative pilot programs to address this issue.
- In 10 states, what the DOC issues and claims can be used as proof of identification to obtain state-issued ID is not listed by the DMV as acceptable proof of identification. For example, in New York there is a Memorandum of Understanding (MOU) between the DOC and the DMV that corrections documentation together with a birth certificate and social security card fulfills the identification requirements to obtain state-issued ID. In practice, however, the New York DMV has a daunting six-point system for proof of identification, which does not list any form of corrections documentation as an acceptable proof of identity. Also, Illinois passed legislation in 2000 to enable people with criminal records to exchange their DOC-issued ID for state ID within 30 days of release. However, the DMV does not list the DOC-issued ID card as an acceptable form of proof. A representative of the Legal Department at the Illinois Secretary of State (who helped in getting this legislation passed) explained that it was not necessary for the general public to know of the arrangement between the DOC and DMV. It is possible that the miscommunication between the DMV and DOC is not an oversight or an error on the part of either department.
- In 20 states, there are no inter-agency agreements between the DMV and the DOC and the DMV does not accept any form of prison documentation as proof of identity. However of those 20 states, five are in the process of creating inter-agency agreements or enacting legislation to simplify the process for a newly released inmate to obtain state-issued identification.
- A significant hurdle, particularly for inmates who have served their maximum sentence, is fulfilling the proof of residency requirement, which is currently required by 17 states before an ID card will be issued.

## IV. SUMMARY OF STATE INFORMATION

### A. States with Statutes Requiring the DMV to Exchange DOC-Issued ID for State ID

- **Illinois:** The DOC provides every inmate with an identification card, valid for 30 days, in a prescribed form identifying the person as being on parole or mandatory supervised release, issued a final discharge, or granted a pardon. The Department then informs the inmate that he or she may present the identification card to the Office of the Secretary of State upon application for a standard Illinois Identification Card.
- **Montana:** A prison inmate card is issued by Montana DOC which contains a photo or digitized image of the applicant, the applicant's date of birth and adult offender number, discharge certificate, or parole order from a Montana state correctional facility. These documents can be exchanged within 60 days after release, free of charge, for state-issued ID.

### B. States that Accept Some Form of Corrections Documentation as Primary Proof of Identity

- **Arizona:** Affidavit of ID (with photo and within 15 days of issue), from Arizona DOC, a county detention facility or a probation office in Arizona.
- **Oregon:** DMV accepts parole ID as proof of age and identity but not residency.
- **South Dakota:** Prison release documentation can be used as one of the two documents necessary, along with a birth certificate, to obtain a state ID card.
- **Wisconsin:** Prison release documents can be used for proof of identity but not for proof of name or residency. However, there is a cooperative agreement that a "face card" which is issued by the DOC and contains name of inmate, date of birth and physical characteristics, can be used, along with a social security card, to obtain a state ID.

### C. States that Accept Some Form of Corrections Documentation as Secondary Proof of Identity

- **Arkansas:** Prison release document accepted.
- **Connecticut:** Prison release document accepted.
- **Delaware:** Prison release document accepted.
- **Idaho:** Idaho correction photo ID card or Idaho Department of Juvenile Correction ID card accepted as secondary proof of age and identity.
- **Indiana:** (1) Letter from probation officer on letterhead or stationary, certified with a stamp or seal, with the applicant's name and signature of the parole officer or (2) Prison release document with photo.
- **Iowa:** Prison release document accepted. The DMV has a cooperative agreement to assist inmates in clearing up points and fines against their licenses before being released.
- **Kansas:** Parole documents can only be used to apply for a replacement ID card. However, the DOC recently issued a new policy that requires unit counselors to obtain inmates birth certificate and social security card before release, which fulfills the DMV requirements to obtain an ID card. The DOC is also working on an agreement with the DMV to allow DOC to issue state ID cards.
- **Louisiana:** Prison release document or letter from parole officer that must denote state identification number on fly sheet when possible.
- **Maryland:** Memorandum of Agreement between DOC and DMV. Upon request, on day of release, an inmate is given an ID card, which can be used, along with a birth certificate, to obtain state-issued ID at the DMV. Court order of probation, order of parole or order of mandatory release can be used as one of two forms of proof of residence. The DMV website does not specifically state that prison ID will be accepted but includes an umbrella

category that the DMV will accept a document prepared by any government agency which contains applicant's name, date of birth and signature. In the 2003 fall legislative session, a bill will be introduced to enable prison ID to be exchanged for state ID.

- **Massachusetts:** Original Massachusetts DOC certificate of discharge or release accepted.
- **Missouri:** Prison release document accepted.
- **Nebraska:** Valid Nebraska DOC release inmate ID card accepted.
- **New Hampshire:** Letter from parole officer with inmates address will be accepted as proof of residency only.
- **Vermont:** Prison release document accepted.
- **Virginia:** Criminal justice offender form or U.S. probation offender information form accepted.
- **Washington:** A verification letter produced by DOC, U.S. Federal Correction authorities, DSHS, or the Kings County Department of Adult Detention accepted.

#### **D. States Where What DOC Issues and Claims Can Be Used as Proof of Identification to Obtain a State ID Card Does Not Correspond to DMV Requirements for Proof of Identification**

- Florida, Georgia, Illinois, Kentucky, Maine, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee.

#### **E. States Where the DMV Does Not Accept Any Form of DOC Documentation**

- Alabama, Alaska, California, Colorado, District of Columbia, Hawaii, Michigan, Minnesota, Mississippi, New Jersey, New Mexico, Nevada, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah, West Virginia, and Wyoming

#### **F. Innovative Pilot Projects**

- **California:** In 2002, a parole division directive was initiated requiring that each inmate prior to release attend a Parole and Corrections program. The program focuses on issues such as housing, employment education and substance abuse. An employee from the DMV attends these meetings, takes photos and collects relevant identification from inmates so ID can be issued upon release. However, this card standing alone does not meet DMV requirements for proof unless accompanied by another form of accepted proof. By year-end the program should be instituted in all counties of California.
- **Minnesota:** In collaboration with the DMV, the Minnesota DOC installed state approved photo ID equipment, linked to state DMV computers, at several of its facilities. DMV employees then go to these facilities and process ID cards and driver's license renewals for inmates before release.
- **Oregon:** Thirty days before release, a card is issued through which food stamps and welfare are paid, thus avoiding the need for a newly released inmate to cash a check before he/she can obtain state ID. Oregon is also currently working on legislation to allow the DOC ID card to be renewed prior to release so that it can then be used as proof of identification to receive a state ID.

### **IV. RECOMMENDATIONS**

There is a critical need for inter-agency communication and cooperation to ensure inmates being released from prison are able to secure ID as soon as possible after returning to the community. After reviewing the data compiled by the National H.I.R.E. Network, Western Michigan Legal Services, a legal services organization, developed five models that states might adopt to better address this issue, as well as a model for a check-cashing card. (See



attached recommendations).

Clearly a state statute similar to Montana and Illinois in which DOC ID can be exchanged for a state-issued ID represents the most effective way to lessen many of the negative consequences newly released inmates suffer when state ID is difficult to obtain. California's program is also effective, as it eliminates the need for two departments to issue ID cards. This approach could potentially lower state costs. The ultimate goal may be to try and combine several state initiatives and push for a state statute or a state mandated program like that in California in conjunction with a cash card like that issued by the Oregon DOC. Such a combination of ideas could go a long way in ensuring a smoother re-entry transition.

**For information on the specific requirements for obtaining ID in each state, please [click here](#)**

